IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1 OF 2005

IN

CIVIL REVISION APPLICATION NO.86 OF 2004

Smt.Sharmila Sharad Joshi .. Applicant
Versus
The Cosmos Coop.Bank Ltd. & Ors... Respondents

Mr.V.T.Walawalkar i/b. G.H.Keluskar for applicant
Mr.A.Y.Sakhare, Senior Advocate for respondent No.1

CORAM : S.C.DHARMADHIKARI, J.
Vacation Judge.
DATE : JANUARY 6, 2005.

P.C.

. Heard Mr.Walawalkar learned Counsel in support and Mr.Sakhare, Senior Counsel, appearing for respondent No.1. C.A. is in a petition instituted by first respondent in this Court challenging the order dated 28th January 2004

passed by the Third Extra District Judge, Pune, Exh.43 in RCS 278 of 2002. Applicant is original plaintiff in that suit. Now by this C.A. prayer is made that first repondent - original petitioner bank should not proceed to enforce the notice under section 13 of the Securitisation Act, 2002. In my view, the provisions of the Securitisation Act empowering the bank to issue a notice and take further steps is a distinct cause of action and the applicant would not be in a position to get any relief that too in a C.R.A. which is instituted by first respondent bank. It will be open for applicant to assail the action of bank by instituting appropriate proceedings including filing appeals before D.R.T.. Leaving all contentions open in that behalf, present C.A. is disposed of.

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